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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Interconnection Agreement of)
GTE Midwest Incorporated and GTE Arkansas) **Case No. TO-98-193**
Incorporated and USA Exchange, LLC, d/b/a Omniplex)
Communications Group.)
)
)

ORDER AND NOTICE

GTE Midwest Incorporated (GTE), GTE Arkansas Incorporated (GTE Arkansas), and USA Exchange, LLC, d/b/a Omniplex Communications Group (Omniplex) filed a joint application with the Commission on November 7, 1997, for approval of an interconnection agreement between GTE, GTE Arkansas, and Omniplex under the provisions of the Federal Telecommunications Act of 1996 (the Act). The applicants state that there are no unresolved issues, that the agreement complies with Section 252(e) of the Act, is not discriminatory and is consistent with the public interest. The applicants request expeditious approval of the agreement without change, suspension, or other delay in its implementation.

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing or an application to participate without intervention. Participation may be permitted for the limited purpose of filing comments addressing whether this agreement meets the federal standards for approval of interconnection agreements. The requirement of a hearing is met when an opportunity to be heard has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Therefore,

if no party requests a hearing, the Commission may grant the relief requested based on the verified application.

The standards for approval are as follows:

§252(e) APPROVAL BY STATE COMMISSION

- (1) **APPROVAL REQUIRED.** — Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State Commission. A State Commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) **GROUND FOR REJECTION.**— The State Commission may only reject —
 - (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that —
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . .

Section 252(e) (4) provides that if the Commission has not approved an agreement within ninety days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously and, if there are no requests for a hearing, relief may be granted based on the verified petition. The Commission finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

The Commission makes no finding at this time regarding its jurisdiction over applicant GTE Arkansas Incorporated. The Commission has jurisdiction over GTE and Omniplex and will direct the applicants to file

a pleading clarifying whether the request for approval applies only to these two entities.

IT IS THEREFORE ORDERED:

1. That the Records Department of the Commission shall send notice to all certificated Missouri interexchange and basic local exchange telecommunications companies.

2. That any party wishing to request a hearing or to participate without intervention in this matter shall file an application no later than December 15, 1997, with the Secretary/Chief Regulatory Law Judge of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102, and send copies to:

James C. Stroo
Associated General Counsel
GTE Operations
1000 GTE Drive
Wentzville, Missouri 63385

Mark W. Comley
Newman, Comley & Ruth
205 East Capitol Avenue
Post Office Box 537
Jefferson City, Missouri 65102

3. That the applicants shall file a pleading clarifying whether the request for approval applies only to GTE Midwest Incorporated and USA Exchange, LLC d/b/a Omniplex Communications Group no later than December 8, 1997.

4. That comments addressing whether this agreement meets the standards for approval of interconnection agreements must be filed no later than January 6, 1997.

5. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefore no later than January 16, 1997.

6. That this order shall become effective on November 18, 1997.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

L. Anne Wickliffe, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to 4 CSR
240-2.120(1) (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 18th day of November, 1997.